

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 DLOS-06 ACDA-07 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00
EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01 INR-07
INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01
OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 SAL-01
NSCE-00 SSO-00 USIE-00 INRE-00 FEA-01 /115 W
-----180345Z 073545 /70

O 180240Z JAN 77

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 2147

C O N F I D E N T I A L SECTION 1 OF 2 OTTAWA 157

E.O. 11652: GDS

TAGS: SENV, PBOR, EFIS, CA

SUBJ: MARITIME BOUNDARY AND FISHERY NEGOTIATIONS

REF: (1) OTTAWA 155 (2) SECSTATE 010198

1. MET WITH EXTAFF UNDERSECRETARY ROBINSON ON
CANADIAN AIDE MEMOIRE (OTTAWA 155) TODAY-JANUARY 17.
EXTAFF LEGAL ADVISER COPITHORNE, DIRECTOR AMERICAN AFFAIRS
NUTT, AND EXTAFF LAWYER LEGER ALSO PRESENT.

2. ROBINSON SAID THAT AIDE MEMOIRE HAD BEEN CLEARED
WITH EXTAFF MIN JAMIESON.

3. DRAWING ON SECSTATE 010198 AND 008596, I MADE
THE FOLLOWING REMARKS ABOUT THE CANADIAN TEXT
(OTTAWA 155):

(A) AIDE MEMOIRE CONTAINS NO AFFIRMATION OF
CANADIAN COMMITMENT TO THIRD PARTY SETTLEMENT.
ROBINSON REPLIED THAT THIS WAS AN OVERSIGHT, AND
GOC DOES NOT MEAN TO GO BACK ON THAT POINT.

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(B) AIDE MEMOIRE STATEMENT THAT SHORT-TERM
FISHING ARRANGEMENTS WOULD HAVE TO BE EXTENDED IF A
PERMANENT BOUNDARY SETTLEMENT HAS NOT BEEN ACHIEVED
GOES BEYOND THE STATEMENT OF MY JANUARY 09 CONVERSA-
TION WITH JAMIESON THAT "NO EXTENSION WOULD BE
ENVISAGED". ROBINSON ADMITTED IT DID. NOT ONLY DOES

U.S. NOT ENVISAGE SUCH AN EXTENSION AT THIS POINT, BUT WOULD ONLY IF A MUTUALLY SATISFACTORY AGREEMENT ON THIRD PARTY REFERENCE HAD BEEN REACHED. IN RESPONSE TO NUTT'S QUESTION AS TO THE IMPLICATIONS, I SAID IT MIGHT MEAN NO RECIPROCAL FISHING, PERHAPS ONLY AN EFFORT TO NEGOTIATE SOME ARRANGEMENT IN THE ZONE OF OVERLAPPING CLAIMS.

(C) FAILURE OF GOC TO AGREE TO BINDING THIRD PARTY SETTLEMENT IS OF CONCERN TO U.S. SUCH AGREEMENT NEED NOT EXCLUDE MEDIATOR OR CONCILIATOR SINCE AT THIS POINT NO TIMETABLE OF STEPS COULD BE NEGOTIATED, BUT IS NEEDED TO MAKE SURE THAT WHATEVER THIRD PARTY PROCESS IS CHOSEN WILL BE CONCLUSIVE WITHIN A REASONABLE TIME. ROBINSON SAID HE WOULD BE PREPARED TO DISCUSS THIS ISSUE, AND TO POSSIBLY SUBMIT NEW LANGUAGE TO JAMIESON, BUT NOT UNTIL WE MEET AGAIN, PROBABLY JANUARY 18.

(D) AIDE MEMOIRE ASSUMPTION THAT "REFERENCE TO A PATTERN OF FISHING CONSISTENT WITH THE STATUS QUO INVOLVES THE USE OF ALLOCATIONS ALREADY AGREED IN THE ICNAF CONTEXT IS NOT JUSTIFIED. U.S. CAN MAKE NO COMMITMENT TO CANADA ON FISHING SOUTH OF THE EQUIDISTANCE LINE, ALTHOUGH CANADA CAN EXPECT THAT U.S. AUTHORITIES WILL FOLLOW SOUND CONSERVATION PRINCIPLES CONSISTENT WITH ICNAF. ROBINSON REPLIED THAT HE HAD UNDERSTOOD THE GENERAL POINT, BUT NOT THE SPECIFIC ONE, AND THAT THIS ISSUE COULD BE DISCUSSED

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IN LOS ANGELES.

(E) U.S. WELCOMES STATEMENT THAT JOINT MANAGEMENT IS NOT NECESSARY IN A SHORT-TERM AGREEMENT. HOWEVER, CANADIAN STATEMENT THAT THEIR PROPOSALS AT THE NOVEMBER 17 TO 19 FISHERIES CONSULTATIONS DO NOT CONSTITUTE JOINT MANAGEMENT APPEAR TO DEPRIVE THE ORIGINAL STATEMENT OF MEANING. IN OUR VIEW THOSE PROPOSALS DO CONSTITUTE JOINT MANAGEMENT BECAUSE THEY INVOLVE A U.S. COMMITMENT ON FISH CATCH SOUTH OF THE EQUIDISTANCE LINE. ROBINSON SAID THAT THIS STATEMENT WAS INTENDED TO RECONVEY THE CANADIAN POSITION, BUT THAT THE ISSUE COULD BE DISCUSSED IN LOS ANGELES.

(F) CANADIAN STATEMENT THAT IT "NOTES THE USA AGREEMENT THAT THESE FOUR ELEMENTS (OF THE PERMANENT LONG-TERM REGIME) ARE INTER-RELATED TAKES US A STEP BEYOND CURRENT U.S. POSITION. ROBINSON AGREED AND SAID IT COULD BE ADJUSTED.

(G) AIDE MEMOIRE CONTAINED NO STATEMENT ON TIMING OF BOUNDARY DISCUSSIONS, WHICH ARE AN IMPORTANT ELEMENT OF CONFIDENCE FOR US. ROBINSON REPLIED THAT U.S. INSISTENCE ON DELAYING LONG-TERM FISHERIES DISCUSSIONS WERE SHAKING CANADIAN CONFIDENCE. CANADA WOULD LIKE TO HAVE ALL THE LONG-TERM NEGOTIATIONS PUT TOGETHER AS A SINGLE NEGOTIATION, OR AS SEVERAL NEGOTIATIONS UNDER A SINGLE STEERING GROUP, OR AT LEAST HOLD THEM SIMULTANEOUSLY. I TOLD ROBINSON THAT AGREEMENT ON IMMEDIATE RESUMPTION OF THE BOUNDARIES DISCUSSION OR AT LEAST ON A FIRM DATE TO RENEW THEM WOULD FACILITATE CONCLUSION OF A SHORT-TERM AGREEMENT. COPITHORNE RESPONDED THAT FOR CANADIANS (AS EXPRESSED IN THE LAST SENTENCE OF THEIR AIDE MEMOIRE) A SUCCESSFUL SHORT-TERM AGREEMENT SHOULD ESTABLISH A GOOD ATMOSPHERE IN WHICH THE LONG-TERM ISSUES COULD

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ALL BE ADDRESSED TOGETHER.

4. I ADDED THAT THE DEPARTMENT MIGHT WISH ME TO MAKE FURTHER COMMENTS ON THE AIDE MEMOIRE.

5. I THEN REFERRED ROBINSON BACK TO OUR EARLIER DISCUSSION OF COMMITTING AN OVERALL FRAMEWORK TO PAPER. AT FIRST ROBINSON REPLIED THAT THAT COULD

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 2148

C O N F I D E N T I A L SECTION 2 OF 2 OTTAWA 0157

HAPPEN OVER THE NEXT FEW MONTHS AS THE PROCESS UNFOLDED, OR COULD BE ASSIGNED TO THE STEERING GROUP IF ONE WERE FORMED. I TOLD HIM THAT THAT WAS NOT GOOD ENOUGH. U.S. HAD UNDERTAKEN THIS PROCESS OF CLARIFICATION AND ADJUSTMENT OF POSITION PRIOR TO SHORT-TERM NEGOTIATIONS IN ORDER TO HAVE AN ACCURATE FRAMEWORK IN WHICH TO JUDGE THE POSITIONS IT SHOULD TAKE IN LOS ANGELES. UNLESS WE KNOW CLEARLY WHAT WE HAVE ACHIEVED AND WHAT WE WILL DO IN THE FUTURE, THE RISK IS THAT MUTUAL SUSPICIONS WILL BE HEIGHTENED.

6. ROBINSON FINALLY AGREED THAT WE SHOULD MEET AGAIN, QUITE PROBABLY JANUARY 18, TO DRAFT POINTS OF AGREEMENT AND DISAGREEMENT. I WOULD THEN SUBMIT PAPER TO WASHINGTON, HE MOST PROBABLY TO JAMIESON IN LATIN AMERICA.

7. COMMENT: ONE CAN DETECT ELEMENT OF A NEW CANADIAN WAFFLE OR PULLBACK IN ROBINSON'S EFFORTS TO GET OUT OF TYING DOWN THE SCHEDULE AND THE PRECISE FRAMEWORK IN WHICH WE GO AHEAD. CANADIANS ARE CONFIDENTIAL

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PROBABLY AWARE THAT BY AGREEING TO THIRD PARTY SETTLEMENT (EVEN IF THEY HAVE NOT GONE THE STEP OF MAKING ANY SETTLEMENT BINDING) THEY HAVE GIVEN AWAY MUCH OF THEIR LEVERAGE ON A LONGTERM FISHERIES AGREEMENT. THIS MAY MAKE THEM RELUCTANT TO CARRY THROUGH AND PUT ON PAPER WHAT WE HAVE BEEN DISCUSSING.

8. PAPER SHOULD, IF AT ALL POSSIBLE, GIVE AN APPROXIMATE DATE FOR RESUMPTION OF DISCUSSIONS OF LONG-TERM FISHERIES ARRANGEMENT. RECOGNIZE THE CONSIDERATIONS OUTLINED IN SECSTATE 004237, PARA 3, BUT FEEL IT IMPORTANT TO GIVE AN APPROXIMATE DATE (SAY MID-MARCH) IN ORDER TO PROVIDE THE BALANCE ROBINSON IS LOOKING FOR. PLEASE INSTRUCT ME ON THIS POINT.
ENDERS

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